

About the Van Osdel Case.

It was certainly kind in the attorney for VanOsdel to come to the relief of County Attorney Martin, in the matter of the settlement of the claim of VanOsdel against the county. Of course he would say the settlement was a good one, for he would have said the same thing to the board of supervisors. We cannot bring ourselves to believe that this witness as entirely disinterested, for surely, as the attorney for VanOsdel, it was to the interest of both himself and client to get as much out of the county as possible. He says however that this settlement was against his advice indicating in terms rather plainly expressed, that he could have recovered a larger amount by the verdict of a jury had the case been allowed to go on in the district court.

There was an easy way to have prevented that settlement if that attorney had been really in earnest in opposing it. All he had to do was to inform the board of supervisors that they have no lawful power to settle a claim arising on tort, against the county, and action on the VanOsdel claim for what the lawyers call unliquidated damages, would probably have been deferred till the board could have taken legal advice on this point. We have it on the best authority, that of the supreme court of the state itself, the word "claims" in Sec. 37, Chapt. 18 of the compiled laws, that a board of supervisors or county commissioners may allow against a county, do not apply to demands arising upon tort (that is, a wrong) but only to such as arise upon contract. There are numerous decisions in the reports of that court, and all to the same effect. VanOsdel's demand against the county grew out of an alleged tort, and was cognizable only in the district court, where it was brought in the first place and where it should have been tried, and the verdict of a jury had under the advice and direction of a judge learned in the law of such cases and the people would have been satisfied with the result. It takes a long time for the ordinary every day citizen to earn \$2,100. The supreme court has recently decided and rightfully too, that the county is not an insurer of those who use its highways, and if an accident happens through some latent defect in a bridge, one that would be no more likely to attract the attention of a road overseer, than a traveler on the highway, the person injured is not entitled to recover from the county for any damage thus sustained, This is the horse sense of the statute. Van Osdel's case comes

within the class indicated in the case referred to, and if it had been properly tried in a competent court he would not have recovered a single dollar. Unless this reckless waste of the peoples money is stopped, falling through bridges may become a business with certain people. But what this county most needs just now is a competent attorney.

Current Press Comments.

What? In Auburn?

Auburn is to have a barrel factory. The brewery will come later—Verdon Vedette.

A Winning Hand.

When it comes to practical politics the Morman church seems to hold a royal flush--Auburn Herald.

Of Course Not

When a fellow takes his best girl out boating he doesn't always hug the shore.—Robinson Index.

In Hoc Signos.

We will have more confidence in the weather man's predictions when we see a few hammocks on the shady side of the porch. — Washington Post

There are Others.

The savage Filipinos at St. Louis look upon the bright new ten dollar bills as ornaments. The savages are not alone in the possession of that kind of artistic taste —Rulo Register.

Out of Reach.

Up to this date no one appears to have been able to reach far enough to whittle away any of the lead the Burkett boom has secured for the United States senatorship.—Norfolk News.

Wonderful Language.

An exchange speaks of a barrel which when emptied contained a certain number of eggs. The uses to which the English language may be put are really marvellous Humbolt Leader.

Gentle Hint.

A late Atchison visitor who made herself very much at home in every way except assisting the family in doing the work, found an immense sponge in her trunk and took the hint she went home —Atchison Globe.

The Accepted Time.

If the Russians should ever get ready, but the vital question is will the Japs let them? They may conclude that the time to whip an enemy good and plenty is when you have them on the run.—Blue Springs Sentinel.

A Problem.

Most people have abandoned the problem of computing "How Old is Ann" and are now engaged in estimating how much coin it will require to give "Ann" a week or ten days of the St. Louis exposition. Besides the latter problem the first named is really easy—Nebraska City Tribune.



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J. B. VARNER,

AGENT

An Open Letter.

From the Chapin, S. C. News —Early in the spring my wife and I were taken with diarrhoea and so severe were the pains that we called a physician who prescribed for us, but his medicine failed to give any relief. A friend who had a bottle of Chamberlains Colic, Cholera and Diarrhoea Remedy on hand gave each of us a dose and we at once felt the effects. I procured a bottle and before using the entire contents we were entirely cured. It is a wonderful remedy and should be found in every household. H. A. Bailey editor. This remedy is for sale by A. G. Wanner. 18-4

Big Horn Basin.

Your spare time will be well spent if you will use it in making a trip to this new irrigated country. The United States will not be long now in getting under irrigation all the land that is subject to this class of farming, us it is becoming the most popular way to farm for sure results. This country is yet in its infancy and homeseekers should avail themselves of this opportunity to get a farm in the Big Horn Basin. Just now you can get the choice of this land at a very low price, and you will be surprised what a delay of a few days will do for you in the price of this land.

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